

**DECLARATION FOR UTILITY OR  
DESIGN  
PATENT APPLICATION  
(37 CFR 1.63)**

Attorney Docket Number	US50
First Named Inventor	Nigel J. Tolson
COMPLETE IF KNOWN	
Application Number	10/040,534
Filing Date	12/28/01
Art Unit	2634
Examiner Name	WARE, CICELY Q

**I hereby declare that:**

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Frequency Synthesizer for Dual Mode Receiver

*(Title of the Invention)*

the specification of which

☐ is attached hereto

**OR**

☒ was filed on (MM/DD/YYYY) 12/28/01 as United States Application Number or PCT International

Application Number 10/040,534 and was amended on (MM/DD/YYYY) (if applicable).

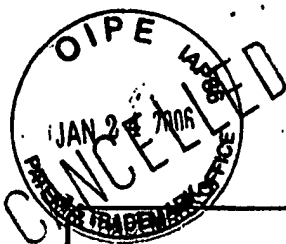
I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

**DECLARATION — Utility or Design Patent Application**

Direct all correspondence to:	<input checked="" type="checkbox"/> The address associated with Customer Number:	30233	OR	<input type="checkbox"/> Correspondence address below
Name				
Address				
City		State	ZIP	
Country	Telephone		Email	
<p align="center"><b>WARNING:</b></p> <p>Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p>				
<b>NAME OF SOLE OR FIRST INVENTOR:</b>		<input checked="" type="checkbox"/> A petition has been filed for this unsigned inventor		
Given Name (first and middle [if any])		Family Name or Surname		
Nigel J.		Tolson		
Inventor's Signature			Date	
Residence: City	State	Country	Citizenship	
Puley-on-Thames	Reading, Berks	United Kingdom	United Kingdom	
Mailing Address				
20813 Stevens Creek Blvd.				
City	State	Zip	Country	
Cupertino	Ca	95014	U.S.A.	
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on the <u>1</u> supplemental sheet(s) attached hereto.				

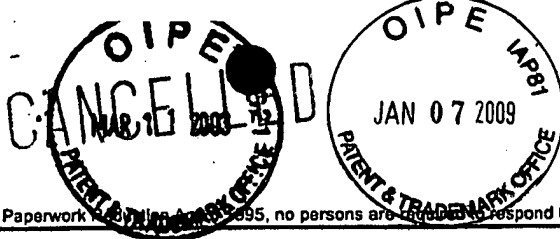


**DECLARATION Supplemental Sheet**  
**For Assignee (35 U.S.C. §118) On Behalf of A Non-Signing Inventor**

Enter Non-Signing Inventor's Name Nigel J. Tolson

Page 1 of 1

<b>Name of Assignee Representative</b>		<input type="checkbox"/> A petition has been filed for this non-signing legal representative	
Given Name (first and middle (if any))		Family Name or Surname	
Earl W.		McCune	
Signature <i>Earl W. McCune</i>		Date 1/13/06	
Residence: City	Santa Clara	State	Ca
		Country	U.S.A.
Mailing Address		Citizenship U.S.A.	
20813 Stevens Creek Blvd.			
Mailing Address			
City	Cupertino	State	Ca
		Zip	95014
		Country	U.S.A.



PTO/SB/96 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Project of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Tropian, Inc.Application No./Patent No.: 10/040,534 Filed/Issue Date: December 28, 2001Entitled: Frequency Synthesizer for Dual Mode ReceiverTropian, Inc., a California corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

**RECEIVED**

MAR 12 2003

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states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_  
The document was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

14 Feb 2003

Date

Earl W. McCune, Jr.

Typed or printed name

Signature

Chief Technical Officer

Title

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



034942-267  
(formerly 111228CX3.US)

#848  
5.27d3

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**APPLICANT:** Nigel J. Tolson

**SERIAL NO.:** 10/040,534

**FILING DATE:** December 28, 2001

**TITLE:** FREQUENCY SYNTHESIZER FOR DUAL MODE RECEIVER

**EXAMINER:** [not yet assigned]

**ART UNIT:** 2631

**RECEIVED**

**MAR 1 2 2003**

**Technology Center 2600**

**COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231**

**DECLARATION AND CONSENT OF ASSIGNEE**

I hereby declare that:

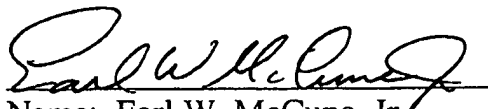
I am authorized to act on behalf of the Assignee, Tropian, Inc.

The entire title to the patent application identified above is vested in the Assignee as evidenced by the attached Rule 3.73(b) Statement and accompanying Employment Agreement of the inventor, Nigel J. Tolson.

I hereby revoke any Powers of Attorney previously given in this matter and appoint the following attorneys to prosecute the above-identified patent application and to transact all business in the Patent and Trademark Office connected therewith:

Robert E. Krebs, Registration No. 25,885; David B. Ritchie, Registration No. 31,562; Marc S. Hanish, Registration No. 42,626; John P. Schaub, Registration No. 42,125; Adrienne Yeung, Registration No. 44,000; Steven J. Robbins, Registration No. 40,299; Thierry K. Lo, Registration No. 49,097; William Samuel Niece, Registration No.: 47,824; J. Davis Gilmer, Registration No. 44,711; William E. Winters, Registration No. 42,232, Masako Ando, (37 C.F.R. §10.9 (b)); and John Klaas Uilkema, Registration No. 20,282; Becky L. Troutman, Registration No. 36,703; and Hal J. Bohner, Registration No. 27,856.

Dated: 27 Feb. 2003

  
Name: Earl W. McCune, Jr.  
Title: Chief Technical Officer  
Tropian, Inc.

THIS AGREEMENT is made the 24<sup>th</sup> day of January 2001 BETWEEN TROPIAN INC (EUROPE) of Lower Woodend Barns, Fawley, Henley-On-Thames, RG9 6JF (referred to in this Agreement as "the Employer") and Nigel Tolson of 70 Westwood Glen, Tilehurst, Reading, Berkshire, RG31 5NW, UK (referred to in this Agreement as "the Employee").

The Employer and Employee agree as follows:-

**ORIGINAL**

1. **JOB DESCRIPTION**

The Employer shall employ the Employee as Systems Engineering Manager. A detailed job description is set out in Schedule numbered 1 which is attached. The Employer reserves the right to vary the Employee's job description in order to meet the needs of the Employer's business.

2. **DATE OF COMMENCEMENT OF EMPLOYMENT**

The employment commenced on 19<sup>th</sup> April 1999. No employment with a previous employer will count as part of the Employee's period of continuous employment.

3. **DURATION**

3.1 The employment shall continue until ended by either the Employer or the Employee giving the other not less than three months' notice in writing to end the employment, subject always to the statutory minimum requirement or until the employment is ended under another clause of this Agreement.

3.2 The Employer may at its sole discretion end this Agreement and pay the Employee money in lieu of salary and benefits to which the Employee would be entitled under the terms of this Agreement in full satisfaction of all salary and benefits to which the Employee may otherwise be entitled. Such a payment will have PAYE tax and national insurance contributions deducted at source. The Employer shall be entitled to make appropriate deduction for any monies receivable by the Employee which would constitute money and benefits to be taken into account as mitigation of the Employee's loss at common law if the Employee's Agreement had been unlawfully terminated by the Employer.

3.3 Once notice of termination has been given (whether by the Employer or the Employee) the Employer may at any time and for any period require the Employee to cease performing all or part of his job and/or exclude him from entering any of the Employer's premises. During the Employee's notice period the Employer shall be under no obligation to assign any duties to the Employee. The Employer will continue to pay the Employee's normal basic salary and all other contractual benefits during any such period. The Employee must not work for any other person, firm,

## NT Employment Contract 2001

throughout the World in respect of all copyright works and designs originated, conceived, written or made by the Employee (except only those works originated, conceived, written or made by the Employee wholly outside his normal working hours which are wholly unconnected with his employment) during the period of his employment by the Employer.

- 16.3 The Employee hereby irrevocably and unconditionally waives in favour of the Employer any and all moral rights conferred on him by Chapter IV of Part 1 of the Copyright Designs and Patents Act 1988 for any work in which copyright or design right is vested in the Employer whether by clause 16.2 or otherwise.
- 16.4 The Employer shall at the request and expense of the Employer, do all things necessary or desirable to substantiate the rights of the Employer under clauses 16.2 and 16.3.

## 17. INVENTIONS

- 17.1 If at any time during his employment the Employee (whether alone or with any other person or persons) makes any invention which relates either directly or indirectly to the business of the Employer, the Employee shall promptly disclose to the Employer full details, including drawings and models, of such invention which shall be deemed to be an Employer Invention to the extent allowable under governing law, in which full right, title and interest resides in the Employer.
- 17.2 If under governing law the invention is not an Employer Invention, the Employer shall treat all information disclosed to it by the Employee as the confidential property of the Employee.
- 17.3 The Employee shall hold each Employer Invention in trust for the Employer and, at the request and expense of the Employer, do all things necessary or desirable to enable the Employer or its nominee to obtain for itself the full benefit of and to secure patent or other appropriate forms of protection for the Employer Invention throughout the World.
- 17.4 Decisions as to the patenting and exploration of any Employer Invention shall be at the sole discretion of the Employer.
- 17.5 The Employee irrevocably appoints the Employer to be his attorney in his name and on his behalf to execute documents, to use the Employee's name and to do all things which may be necessary or desirable for the Employer to obtain for itself or its nominee the full benefit of the provisions of this clause, and a certificate in writing

NT Employment Contract 2001

23.4 This Agreement sets out the whole agreement between the parties and is in substitution for any previous letters of offer, letters of appointment, Agreements of employment or terms and conditions in connection with the Employee's employment by the Employer which shall be deemed to have been terminated by mutual consent.

23.5 This Agreement will be construed in accordance with English Law and the parties irrevocably submit to the exclusive jurisdiction of the English Courts to settle any disputes which may arise in connection with this Agreement.

**SIGNED** for and on behalf of  
**TROPIAN INC (EUROPE)**  
The Employer

*Karen A. Danna*  
.....

Date

*01/02/01*  
.....

**SIGNED**  
Nigel Tolson  
The Employee

*N. J. Tolson*  
.....

Date

*24<sup>th</sup> Jan 2001*  
.....





Please type a plus sign (+) inside this box → ☐

PTO/SB/01 (12-97)  
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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION</b> (37 CFR 1.63)	<b>Attorney Docket Number</b>	111228CX3.US	
	<b>First Named Inventor</b>	TOLSON	
	<b>COMPLETE IF KNOWN</b>		
	<b>Application Number</b>	/	
	<b>Filing Date</b>	12/28/01	
	<b>Group Art Unit</b>		
<input checked="" type="checkbox"/> Declaration Submitted with Initial Filing	<input type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required)	<b>Examiner Name</b>	

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Frequency synthesizer for dual mode receiver

the specification of which (Title of the Invention)

☒ is attached hereto

OR

☐ was filed on (MM/DD/YYYY) [ ] as United States Application Number or PCT International Application Number [ ] and was amended on (MM/DD/YYYY) [ ] (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)

☐ Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Please type a plus sign (+) inside this box → ☐

PTO/SB/01 (12-97)  
Approved for use through 9/30/00. OMB 0651-0032  
Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

## DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☐ Customer Number

OR

☒ Registered practitioner(s) name/registration number listed below

Place Customer  
Number Bar Code  
Label here

Name	Registration Number	Name	Registration Number
Michael J. Ure	33 089		

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☒ Customer Number or Bar Code Label  OR ☐ Correspondence address below

Name	30233				
	PATENT TRADEMARK OFFICE				
Address					
Address					
City		State		ZIP	
Country		Telephone		Fax	

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:		<input type="checkbox"/> A petition has been filed for this unsigned inventor			
Given Name (first and middle (if any))		Family Name or Surname			
Nigel J.		TOLSON			
Inventor's Signature				Date	12/21/01
Residence: City	Reading	State	Berks	Country	GB
				Citizenship	GB
Post Office Address					
Post Office Address	5 Brading Way, Purley-on-Thames				
City	Reading	State	Berks	ZIP	RG8 8BS
				Country	GB

☐ Additional inventors are being named on the \_\_\_\_\_ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto